

HOUSE No. 2075

By Mr. Burke of Ipswich, petition of George W. Gleason and others relative to the trapping of certain animals and providing for the registration of traps used therefore. Conservation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT FURTHER REGULATING THE TRAPPING OF CERTAIN ANIMALS AND PROVIDING FOR THE REGISTRATION OF TRAPS USED THEREFOR.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 131 is hereby amended by
- 2 striking out section 68, as most recently amended
- 3 by chapter 615 of the acts of 1948, and inserting in
- 4 place thereof the following section:—
- 5 *Section 68.* Except as otherwise provided in this
- 6 chapter, no person shall hunt or trap, or have in
- 7 possession the living or dead bodies of, minks, otters,
- 8 muskrats, opossums or raccoons; provided, that
- 9 such mammals, other than opossums or raccoons,
- 10 may be taken by hunting or trapping between
- 11 November first and the following December thirty-
- 12 first, both dates inclusive, and that opossums or
- 13 raccoons may be taken with the aid or by the use of

14 dogs or guns between October tenth and the following
15 December thirty-first, both dates, inclusive, and by
16 trapping between November first and the following
17 December thirty-first, both dates inclusive. No per-
18 son shall remove or attempt to remove a raccoon
19 from any hole in the ground, stone wall, from within
20 any ledge, or from under any stone or from any hole
21 in any log or tree. Not more than two raccoons shall
22 be taken during any period from sunset of one day
23 to sunset of the following day by any one person, or
24 three raccoons by two or more persons hunting in
25 one part, and not more than ten raccoons shall be
26 taken by any person in any open season. Any
27 raccoons taken in traps in excess of the daily or
28 season limit, shall immediately be released or turned
29 over to the district conservation officer for disposal
30 by the director for the best interests of the common-
31 wealth. No person, except as provided in sections
32 fourteen and ninety-three, shall hunt or possess a
33 beaver at any time, except that the director may
34 declare an open season on beaver in any and all
35 counties and may make rules and regulations govern-
36 ing the taking of same.

37 Notwithstanding any provision of general or special
38 law, and except as otherwise provided in this chap-
39 ter, it shall be unlawful for any person: —

40 (a) To have in his possession the green pelt of
41 any fur-bearing mammal, or any part of such pelt,
42 except during the open season for such mammal and
43 for ten days thereafter.

44 (b) To trap between January first and the follow-
45 ing October thirty-first, both dates inclusive.

46 (c) To possess or have under his control a trap on
47 the land of another where fur-bearing mammals
48 might be found between January first and six o'clock

49 ante meridian on the following November first, both
50 dates inclusive.

51 (d) At any time to possess or have under control
52 an unregistered trap on the land of another where
53 fur-bearing mammals might be found.

54 (e) To possess or have under his control, unless
55 duly authorized as provided in clause (n), the regis-
56 tered trap of another.

57 (f) To trap on land posted as provided in section
58 one hundred, without the written consent of the
59 owner or occupant of such land.

60 (g) To trap in a public way, card road or path
61 commonly used as a passageway for human beings
62 or domestic animals.

63 (h) To trap within ten feet of a muskrat house, or
64 beaver house.

65 (i) To tear open, disturb or destroy a muskrat
66 house, beaver house, or beaver dam.

67 (j) To trap with a steel or jaw trap, or a dead fall
68 trap with a spread of more than six inches, or a
69 "stop-thief" trap, or a dead fall trap with an opening
70 of more than six inches, or a choke trap, or a trap
71 with teeth on one or both jaws, or a trap with two
72 sets of jaws either set of which has a spread of more
73 than six inches, or a combination of one set of jaws
74 of one size and another set of jaws of another size,
75 one jaw of which is stationary and one free moving,
76 or one or all jaws free moving with a spread of more
77 than six inches, or a trap capable of taking more
78 than one mammal at a time. For the purpose of
79 this clause a trap shall be measured across the open
80 jaws to determine the spread. Nothing in this clause
81 shall be deemed to prohibit the use of a stop-loss
82 trap, so called, having one movable arm attached,
83 the purpose of which being to prevent an animal

84 caught therein from gnawing his foot or leg. For
85 the purpose of this clause in determining the jaw
86 spread of a trap, it shall be measured midway across
87 the open jaws at right angles to the hinges from the
88 extreme outside edges.

89 (k) To trap before six o'clock ante meridian, on
90 the opening day of the season, to wit November first.

91 (l) To fail to visit at least once in each calendar
92 day, between the hours of four o'clock ante meridian
93 and six o'clock post meridian all traps by him
94 staked out, set, used, tended, placed or maintained.

95 (m) To destroy, mutilate or spring the trap of
96 another.

97 (n) To take any fur-bearing mammal or predator
98 from the trap of another, unless he has upon his per-
99 son a specific written authorization to do so, signed
100 by the owner of such trap. The owner of traps may
101 give such authorization to any person licensed to
102 trap under this chapter, for a period not to exceed
103 one week from the day he himself last tended his
104 traps; provided, that notice of the giving of such
105 authorization, including the name and trapping
106 license number of the person so authorized shall be
107 given to the district conservation officer and to the
108 director within twenty-four hours after the same has
109 been given.

110 (o) To set, use, place, locate, tend or maintain a
111 trap not bearing the name of the person or persons
112 using the same in such a manner that it shall be
113 legible at all times.

114 Any trap set in violation of law shall be forfeited
115 to the commonwealth by any officer empowered to
116 enforce this chapter and shall be disposed of by the
117 director in the best interests of the commonwealth.

118 Whoever violates any provision of this section shall

119 be punished by a fine of not less than twenty-five
120 nor more than three hundred dollars in addition to
121 any other penalty or forfeiture provided for in this
122 chapter. Any registration certificate held by any
123 person convicted of, found guilty of or penalized in
124 any manner for a second or later violation of this
125 section shall be declared void by the director and no
126 registration certificate shall be renewed or a transfer
127 of registration number approved for a period of from
128 two to five years as the director shall determine.

1 SECTION 2. Said chapter 131 is hereby further
2 amended by striking out section 68A and inserting
3 in place thereof the following new section.

4 *Section 68A.* For the purpose of providing for
5 the registration and identification of traps, the
6 division shall provide application forms, renewal
7 forms, registration certificates and other forms and
8 records necessary for the registration of traps as
9 hereinafter provided. The division shall require the
10 applicant for registration or renewal to supply neces-
11 sary information and shall charge a fee of one dollar
12 for the original certificate and twenty-five cents
13 for each yearly renewal, which shall cover and apply
14 to all traps then and thereafter owned by the appli-
15 cant. The registration number of any certificate
16 issued by the division may be any combination of
17 letters and figures, and said number shall be perma-
18 nently imbedded or cut into the metal of the traps
19 with letters and figures not less than one eighth of
20 an inch high. In such a manner that it shall be
21 legible at all times.

22 Upon the sale of any registered trap, the owner
23 and purchaser shall send a joint notice of such
24 transfer to the division, and thereupon the seller's

25 registered number, as appearing upon each trap so
26 transferred, shall have the letter "T" added to it to
27 indicate that said transfer has been so registered
28 with the division, and in addition to the buyer's
29 registered number shall forthwith be stamped upon
30 each such trap.

31 Upon the request of two or more persons, stating
32 that they have entered into a partnership and are
33 willing that all members of the partnership shall
34 trap with the registered traps of any partner, each
35 member of the partnership shall be furnished by the
36 division with a special certification, written upon his
37 registration certificate, that he is authorized to use
38 traps belonging to the other members thereof, and
39 it shall be unnecessary for any trap used by such
40 partnership to bear any registration number other
41 than that of its owner.

42 A registration certificate issued to an applicant
43 hereunder shall be valid throughout the calendar
44 year, unless sooner revoked for cause, as provided
45 in this chapter, and provided, that if the holder of
46 any registration number fails to renew his registra-
47 tion for two consecutive years, his number may then
48 be assigned to another applicant.

49 The division shall, from time to time, furnish to
50 all district conservation officers a list of all holders
51 of registration certificates issued hereunder, includ-
52 ing the registration number assigned to each such
53 holder.

1 SECTION 3. Chapter one hundred and thirty-one,
2 as appearing in chapter five hundred and ninety-
3 nine of the acts of nineteen hundred and forty-one, is
4 hereby further amended by striking out section
5 seventy-two and seventy-six.



